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5 MONTANA SIXTEENTH JUDICIAL DISTRICT COURT, CUSTER COUNTY

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| STATE OF MONTANA, Plaintiff, vs. JAMES ERIC JENSEN, Defendant. | Cause No. <u>DC-18-97</u> HONORABLE MICHAEL B. HAYWORTH WARRANT OF ARREST |
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11 **THE STATE OF MONTANA TO ANY PEACE OFFICER OF THIS STATE:**

12 Complaint upon oath having been made before me by Wyatt A. Glade, Custer
13 County Attorney, and accusing the Defendant, JAMES ERIC JENSEN, of committing the
14 offense(s) of: COUNT 1: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-
15 625(1)(e), MCA; COUNT 2: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-
16 5-625(1)(e), MCA; COUNT 3: SEXUAL ABUSE OF CHILDREN, a felony, as specified in
17 § 45-5-625(1)(e), MCA; COUNT 4: SEXUAL ABUSE OF CHILDREN, a felony, as specified in
18 § 45-5-625(1)(e), MCA; COUNT 5: SEXUAL ABUSE OF CHILDREN, a felony, as specified in
19 § 45-5-625(1)(e), MCA; COUNT 6: SEXUAL ABUSE OF CHILDREN, a felony, as specified in
20 § 45-5-625(1)(e), MCA; COUNT 7: SEXUAL ABUSE OF CHILDREN, a felony, as specified in
21 § 45-5-625(1)(e), MCA; COUNT 8: SEXUAL ABUSE OF CHILDREN, a felony, as specified in
22 § 45-5-625(1)(e), MCA; COUNT 9: SEXUAL ABUSE OF CHILDREN, a felony, as specified in
23 § 45-5-625(1)(e), MCA; and COUNT 10: SEXUAL ABUSE OF CHILDREN, a felony, as
24 specified in § 45-5-625(1)(e), MCA, you are hereby commanded to arrest the above-named
25 Defendant, during the day or night, and forthwith bring him/her before this Court or in my
26 absence or inability to act, before the nearest or most accessible Judge in this county, or if the
27 arrest is made in another county, before a Judge of that county, without unnecessary delay.

28 IT IS ORDERED, that pending the arraignment and trial of said Defendant, he/she

be admitted to bail in the sum of \$ 100,000. Should the Defendant be released on bail, the following conditions should be adhered to:

- 1. Defendant will appear to answer in this Court as ordered by the Court until discharged on final order.
- 2. Defendant will not depart from the state of Montana without specific, written leave of Court.
- 3. Defendant shall obey all municipal, county, state and federal laws.
- 4. Defendant shall have no contact with any victims or prosecution witnesses, either by telephone, personally or in writing, except through counsel as necessary for the preparation of the defense.
- 5. Defendant will sign a Waiver of Extradition from any other jurisdiction to be returned to the State of Montana for further proceedings.
- 6. Defendant will report at least weekly to the Office of Public Defender at (406) 234-1702, and give defense counsel a telephone number and address at which the Defendant may be reached. Notice to defense counsel is notice to the Defendant, so it is imperative that the Defendant stay in contact with defense counsel. If Defendant retains private counsel, Defendant shall maintain weekly contact with retained counsel.
- 7. The Defendant shall maintain employment or, if unemployed, seek employment.
- 8. The Defendant shall abide by additional specific travel restrictions: _____

- 9. The Defendant shall comply with a specified curfew as follows: House Arrest

- 10. The Defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
- 11. The Defendant shall not possess alcohol nor enter any establishment where alcohol is the chief item of sale.

CUSTER COUNTY SHERIFF'S OFFICE:

PAST - Twice daily PAST Tests, to be administered by the Custer County Sheriff's Office between 7:00 a.m. to 7:30 a.m. and between 7:00 p.m. to 7:30 p.m., at a location determined by the Custer County Sheriff's Office at the Defendant's expense.

COMPLIANCE MONITORING SYSTEMS:

SCRAM - Transdermal alcohol monitoring to be administered by Compliance Monitoring Systems at the Defendant's expense.

1 14. UA TESTING - The Defendant shall submit to weekly random urinalysis testing
2 to test for the presence of drugs and shall be responsible for all applicable costs,
3 including any contested results to quantify amounts.

4 15. GPS BRACELET - Defendant shall be responsible for all applicable costs.

5 16. HOUSE ARREST - Defendant shall be responsible for all applicable costs.

6 17. PHARMCHEM DRUG PATCH - Defendant shall be responsible for all
7 applicable costs.

8 18. PRETRIAL MONITORING PROGRAM - The Defendant shall be monitored
9 through the Compliance Monitoring Pretrial Monitoring Program. The Defendant
shall fully comply with the program requirements. The Defendant shall pay all
costs associated with the program. The Defendant shall submit to random drug
and alcohol testing as directed by the supervising Pretrial Monitoring Officer.
The Defendant shall pay the cost of testing.

10 19. Others: Compliance Monitoring Pretrial Risk Assessment.

11
12 Defendant will be subject to immediate arrest upon violation of these conditions.

13 DATED this 12th day of December 2018.

M B Hayworth

14 (COURT SEAL)

15 MICHAEL B. HAYWORTH
16 DISTRICT JUDGE

17 SHERIFF'S RETURN

18 I HEREBY CERTIFY that I received the original WARRANT OF
19 ARREST and served copies of the WARRANT OF ARREST; ORDER GRANTING LEAVE
20 TO FILE INFORMATION; INFORMATION; and MOTION AND AFFIDAVIT FOR LEAVE
21 TO FILE INFORMATION on the _____ day of _____, 2018, and served said copies in
22 said action upon JAMES ERIC JENSEN on the _____ day of _____, 2018, by
23 delivering to and leaving with him personally, at _____, in the
24 County of _____, State of _____ a copy of said document(s).

25 SHERIFF _____

26 BY: _____

1 WYATT A. GLADE, Custer County Attorney
2 SHAWN A. QUINLAN, Deputy County Attorney
3 1010 Main Street, Courthouse
4 Miles City, MT 59301
(406) 874-3310
(406) 874-3450 (Fax)

5 Attorney for the State of Montana

6 MONTANA SIXTEENTH JUDICIAL DISTRICT COURT, CUSTER COUNTY

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| 7 STATE OF MONTANA, 8 Plaintiff, 9 vs. 10 JAMES ERIC JENSEN, 11 Defendant. | 12 Cause No. <u>DC-18-97</u> 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 |
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12 WYATT A. GLADE, Custer County Attorney, being duly sworn upon oath,
13 deposes and says that on October 11, 2018, in Miles City, Custer County, Montana, the above-
14 named Defendant, James Eric Jensen, committed the offense(s) of: COUNT 1: SEXUAL
15 ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 2: SEXUAL
16 ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 3: SEXUAL
17 ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 4: SEXUAL
18 ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 5: SEXUAL
19 ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 6: SEXUAL
20 ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 7: SEXUAL
21 ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 8: SEXUAL
22 ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 9: SEXUAL
23 ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; and COUNT 10:
24 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA.

25 **MAXIMUM PENALTIES**

26 The maximum penalty for the offense of Sexual Abuse of Children, a felony, for
27 the possession of material, as provided in subsection (1)(e), shall be fine not to exceed \$10,000
28

1 or be imprisoned in the state prison for a term not to exceed ten (10) years, or both.

2 The facts constituting the offense are:

3 **COUNT 1: SEXUAL ABUSE OF CHILDREN, a felony:**

4 That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000
5 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of
6 Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium
7 in which a child is engaged in sexual conduct. The Defendant possessed Photo 1, an electronic
8 image of a child posing and or engaging in sexual conduct.

9 **COUNT 2: SEXUAL ABUSE OF CHILDREN, a felony:**

10 That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000
11 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of
12 Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium
13 in which a child is engaged in sexual conduct. The Defendant possessed Photo 2, an electronic
14 image of a child posing and or engaging in sexual conduct.

15 **COUNT 3: SEXUAL ABUSE OF CHILDREN, a felony:**

16 That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000
17 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of
18 Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium
19 in which a child is engaged in sexual conduct. The Defendant possessed Photo 3, an electronic
20 image of a child posing and or engaging in sexual conduct.

21 **COUNT 4: SEXUAL ABUSE OF CHILDREN, a felony:**

22 That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000
23 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of
24 Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium
25 in which a child is engaged in sexual conduct. The Defendant possessed Photo 4, an electronic
26 image of a child posing and or engaging in sexual conduct.

COUNT 5: SEXUAL ABUSE OF CHILDREN, a felony:

That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium in which a child is engaged in sexual conduct. The Defendant possessed Photo 5, an electronic image of a child posing and or engaging in sexual conduct.

COUNT 6: SEXUAL ABUSE OF CHILDREN, a felony:

That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium in which a child is engaged in sexual conduct. The Defendant possessed Photo 6, an electronic image of a child posing and or engaging in sexual conduct.

COUNT 7: SEXUAL ABUSE OF CHILDREN, a felony:

That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium in which a child is engaged in sexual conduct. The Defendant possessed Photo 7, an electronic image of a child posing and or engaging in sexual conduct.

COUNT 8: SEXUAL ABUSE OF CHILDREN, a felony:

That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium in which a child is engaged in sexual conduct. The Defendant possessed Photo 8, an electronic image of a child posing and or engaging in sexual conduct.

COUNT 9: SEXUAL ABUSE OF CHILDREN, a felony:

That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of

1 Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium
2 in which a child is engaged in sexual conduct. The Defendant possessed Photo 9, an electronic
3 image of a child posing and or engaging in sexual conduct.

COUNT 10: SEXUAL ABUSE OF CHILDREN, a felony:

5 That the Defendant, James Eric Jensen, on or about October 11, 2018, at 1000
6 Palmer Street, Apartment #305, Miles City, Custer County, Montana, committed the offense of
7 Sexual Abuse of Children, a felony, when the Defendant knowingly possessed a visual medium
8 in which a child is engaged in sexual conduct. The Defendant possessed Photo 10, an electronic
9 image of a child posing and or engaging in sexual conduct.

10 That the witnesses so far as known to the State are as follows:

11 Supervisory Agent Lee Johnson, Montana DCI, Billings, MT
12 Agent Craig Baum, Montana DCI, Billings, MT
13 Agent Noah Scott, Montana DCI, Billings, MT
14 FBI TFO Earl Campbell, Montana DCI, Billings, MT
15 Bureau Chief John Strandell, DCI, Billings, MT
16 Det. Lt. Dan Baker, MCPD, Miles City, MT
17 Captain Mark Reddick, MCPD, Miles City, MT
18 Daniel Rice, Lucas & Tonn, Miles City, MT
19 Holly Baldwin, Miles City, MT
20 Det. Jim Woog, Forensic Examiner, IWRCFL, 2929 Third Ave. North, Ste. 205, Billings, MT
21 Cynthia Brewer, D.O., Billings, Clinic, 2800 Tenth Avenue North, Billings, MT

17 That the undersigned has made diligent inquiry into the facts and they are true to
18 the best of his knowledge, information and belief.

Dated this 11th day of November, 2018.

WYATT A. GLADE
CUSTER COUNTY ATTORNEY

1 WYATT A. GLADE, Custer County Attorney
2 SHAWN A. QUINLAN, Deputy County Attorney
3 1010 Main Street, Courthouse
4 Miles City, MT 59301
(406) 874-3310
(406) 874-3450 (Fax)

5 Attorney for the State of Montana

6 MONTANA SIXTEENTH JUDICIAL DISTRICT COURT, CUSTER COUNTY

7 STATE OF MONTANA,

8 Plaintiff,

9 vs.

10 JAMES ERIC JENSEN,

11 Defendant.

Cause No. DC-18-97

HONORABLE MICHAEL B. HAYWORTH

**MOTION AND AFFIDAVIT FOR
LEAVE TO FILE INFORMATION**

12 STATE OF MONTANA)

13 : ss.

14 COUNTY OF CUSTER)

15 WYATT A. GLADE, Custer County Attorney, after being first duly sworn upon
16 oath, deposes and says:

17 That he is the duly elected and qualified County Attorney for Custer County,
18 Montana, and hereby moves the Court for leave to file a Information direct in the above-entitled
19 Court charging the Defendant, JAMES ERIC JENSEN, with the offense(s) of: COUNT 1:
20 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 2:
21 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 3:
22 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 4:
23 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 5:
24 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 6:
25 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 7:
26 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 8:
27 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; COUNT 9:
28 SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA; and

1 COUNT 10: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e),
2 MCA.

3 The following facts were developed by investigating officers, and the affiant has
4 no reason to believe these facts are not true, and believes them to be true. In the affiant's
5 opinion, these facts constitute sufficient probable cause to justify the filing of the charges.

6 On September 21, 2018, Montana Department of Justice, Division of Criminal
7 Investigation Supervisory Agent Lee Johnson contacted Agent Craig Baum and provided him
8 with the following information. A media report had been published by the Billings Gazette. The
9 report detailed allegation of a civil suit against the Defendant while he was an athletic trainer for
10 the Custer County District High School in Miles City, Montana. The potential criminal offenses
11 consisted of convincing high school boys to participate in what the Defendant termed "The
12 Program", The Defendant informed the boys that if they participated in "The Program", they
13 could enhance their physical stature, by producing elevated levels of testosterone in their bodies,
14 through massages and masturbation.

15 On September 28, 2018, Miles City Police Department Captain Mark Reddick
16 received information regarding suspicions of child pornography involving the Defendant.
17 Captain Reddick learned that Holly Baldwin had been employed by Eagles Manor as a
18 housekeeper from July 2014 until March 2016. The Defendant resides at Eagles Manor. Ms.
19 Baldwin was interviewed on September 28, 2018, by Captain Reddick. Ms. Baldwin stated that
20 while cleaning the Defendant's room several times during her employment, she observed images
21 of nude boys on the Defendant's computer. Ms. Baldwin could not recall the specific dates. Ms.
22 Baldwin stated she had pointed at the computer and asked the Defendant, "What are these?" in
23 reference to the images. The Defendant stated the images were of his nephews from New York.
24 Ms. Baldwin stated she observed other images of the boys, however, they were wearing clothes.
25 Ms. Baldwin advised Captain Reddick that the images of the boys were fully nude and stated
26 their penises were visible. Ms. Baldwin stated she observed "probably" a total of five images of
27 boys that could have been as young as 16 and as old as 25.

1 On October 2, 2018, DCI Agent Noah Scott contacted Ms. Baldwin. Ms. Baldwin
2 stated she knew the boys in the images she'd seen on the Defendant's computer were under age
3 18.

4 During the week of October 3, 2018, and October 10, 2018, Agent Baum began
5 the process of drafting a search warrant for the Defendant's apartment based on what he had
6 learned during the investigative process. Agent Baum presented the search warrant affidavit to
7 Montana 13th District Court Judge Rod Souza in Billings, Montana. The search warrant was
8 granted.

9 On October 11, 2018, at approximately 9:20 a.m., Agent Baum, Agent Scott and
10 FBI Task Force Officer Earl Campbell arrived at the Defendant's residence at 1000 Palmer,
11 apartment #305 in Miles City. Agents Baum and Scott had previously been to the Defendant's
12 apartment and were familiar with the inside decor and knew he had a computer and a tablet as
13 they had seen those devices on September 30, 2018, when they attempted to interview the
14 Defendant.

15 Agent Baum knocked on the door to announce their presence and received no
16 response. He knocked again and received no response. The door was unlocked and Agent Baum
17 entered the apartment. No one was present in the apartment. The Agents began their search and
18 Agent Scott took photographs as evidence was collected. Several items of evidence were seized.

19 Agent Baum returned to Billings and secured several of the seized items into the
20 DCI evidence vault. On October 11, 2018, at approximately 3:55 p.m., Agent Baum personally
21 delivered a laptop computer, an Amazon tablet and a SD card to Billings Police Detective Jim
22 Woog at the Intermountain West Regional Computer Forensic Laboratory for analysis.

23 On October 16, 2018, Agent Baum received a call from Detective Woog stating
24 he found some images on the SD card seized from the Defendant's residence. Agent Baum
25 drove to the RCFL office and viewed the pictures. The pictures contained images of clothed and
26 nude boys. One image in particular appeared to be that of a prepubescent male posed frontally
27 nude with a wrench in his mouth. Others appeared to be of pubescent males in various stages of
28

1 pose, one image appeared to be that of a younger pubescent male engaged in a sex act with
2 another person. There were ten photos that appeared to depict children engaged in sexual
3 conduct. The images were sent to Dr. Cynthia Brewer with Billings Clinic in Billings, Montana,
4 for a medical opinion as to the age of the boys in the images.

5 On October 23, 2018, Detective Woog informed Agent Baum that had he located
6 on the Defendant's computer, an internet search history of the user actively searching the internet
7 for pornography, particularly searches involving young boys.

8 On November 16, 2018, Dr. Cynthia Brewer submitted a report following her
9 assessment of the photographs. In her report, Dr. Brewer labeled the 10 photos by number, and
10 estimated the ages of the subjects pursuant to her training and experience. Her report indicates
11 the following:

12 Photo 1 depicts a male estimated to be age 15 to adult.

13 Photo 2 depicts a male estimated to be age 15 to adult.

14 Photo 3 depicts a male estimated to be age 15 to adult.

15 Photo 4 depicts a male estimated to be age 15 to adult.

16 Photo 5 depicts a male estimated to be age 13.4 to 16.8 years old.

17 Photo 6 depicts a male estimated to be age 11.5 to 16.39 years old.

18 Photo 7 depicts a male estimated to be age 13.4 to 16.4 years old.

19 Photo 8 depicts a male estimated to be age 13.4 to 16.8 years old.

20 Photo 9 depicts a male estimated to be younger than age 9 to 12 years old.

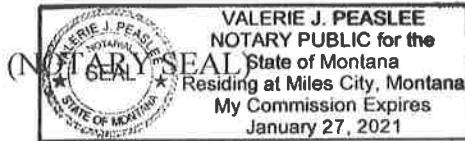
21 Photo 10 depicts a male estimated to be age 15 to adult.

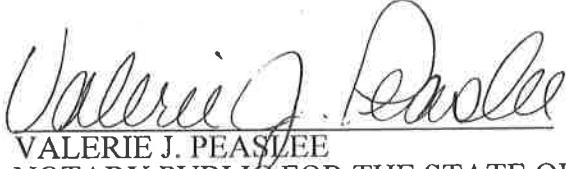
22 WHEREFORE, your affiant prays that this Court issue an Order granting leave to
23 file an Information charging the Defendant, JAMES ERIC JENSEN, with the offense(s) of:
24 COUNT 1: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA;
25 COUNT 2: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA;
26 COUNT 3: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA;
27 COUNT 4: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA;

1 COUNT 5: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA;
2 COUNT 6: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA;
3 COUNT 7: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA;
4 COUNT 8: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA;
5 COUNT 9: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e), MCA;
6 and COUNT 10: SEXUAL ABUSE OF CHILDREN, a felony, as specified in § 45-5-625(1)(e),
7 MCA.

8 
9 WYATT A. GLADE
10 CUSTER COUNTY ATTORNEY

11 SUBSCRIBED AND SWORN TO before me this 14th day of December
12 2018.



16 
17 VALERIE J. PEASLEE
18 NOTARY PUBLIC FOR THE STATE OF MONTANA
19 RESIDING IN MILES CITY, MONTANA
20 MY COMMISSION EXPIRES: JANUARY 27, 2021